

AMENDED IN ASSEMBLY SEPTEMBER 5, 2007

AMENDED IN ASSEMBLY JULY 2, 2007

AMENDED IN SENATE MARCH 28, 2007

SENATE BILL

No. 226

Introduced by Senator Negrete McLeod

February 13, 2007

An act to add ~~Section~~ *Sections 10150.8 and 10159.7* to, and to repeal and add Section 10150.6 of, the Business and Professions Code, relating to real estate brokers.

LEGISLATIVE COUNSEL'S DIGEST

SB 226, as amended, Negrete McLeod. Real estate licensees.

Existing law, the Real Estate Law, provides for the licensure and regulation of real estate salespersons and real estate brokers by the Real Estate Commissioner. Under existing law, the Real Estate Commissioner may issue a real estate broker's license to an applicant who (a) has at least the equivalent of 2 years' general real estate experience or graduated from a 4-year college or university course, (b) files a written petition with the Department of Real Estate setting forth his or her qualifications and experience, and the commissioner approves, and (c) passes an examination and satisfies other requirements. Existing law requires a real estate broker to display his or her license number on specified advertisements.

This bill would instead authorize the commissioner to grant an original real estate broker's license to an applicant who (a) has passed the real estate broker license examination, (b) satisfied other specified requirements, and (c) either held a real estate salesperson's license and satisfied other requirements within 5 years prior to application, graduated

from a 4-year college or university that included a ~~specified course of study~~ *specified specialization in real estate*, demonstrated the equivalent of general real estate experience, or holds an active membership in the State Bar of California. *The bill would require the commissioner to establish educational criteria for the purpose of satisfying the specialization in real estate.* The bill would also authorize the commissioner to require a real estate broker and a real estate salesperson to display his or her license number on consumer first contact materials, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10150.6 of the Business and Professions
2 Code is repealed.
3 SEC. 2. Section 10150.6 is added to the Business and
4 Professions Code, to read:
5 10150.6. The Real Estate Commissioner may grant an original
6 real estate broker's license to an applicant who has passed the real
7 estate broker license examination, satisfied the other requirements
8 of this article, and satisfied the requirements of subdivision (a),
9 (b), (c), or (d).
10 (a) A real estate salesperson applicant who has, within the last
11 five years immediately prior to application, met all of the following
12 requirements:
13 (1) Held a real estate salesperson's license for at least two years.
14 (2) Been actively engaged in the business of real estate.
15 (3) Qualified for renewal of a real estate salesperson license.
16 (b) An otherwise qualified applicant who has graduated from a
17 four-year college or university course of study that included a
18 ~~major or minor concentration in real estate or included the~~
19 ~~educational requirements specified in Section 10153.2.~~
20 *specialization in real estate. For the purposes of this subdivision,*
21 *"specialization in real estate" means satisfaction of the educational*
22 *criteria established by the commissioner, by regulation, pursuant*
23 *to Section 10150.8.*
24 (c) An applicant who has demonstrated the equivalent of general
25 real estate experience by written petition satisfactory to the
26 commissioner.

1 (d) An applicant who holds an active membership in the State
2 Bar of California.

3 *SEC. 3. Section 10150.8 is added to the Business and*
4 *Professions Code, to read:*

5 *10150.8. (a) The commissioner shall, by regulation, establish*
6 *educational criteria, the satisfaction of which shall constitute a*
7 *specialization in real estate for purposes of Section 10150.6. Those*
8 *criteria shall include the practical aspects of real estate that are*
9 *sufficient to provide an alternative to real estate experience.*

10 *(b) The commissioner may rely upon a determination made by*
11 *a four-year college or university that a course of study meets the*
12 *educational criteria and constitutes a specialization in real estate.*

13 ~~SEC. 3.~~

14 *SEC. 4. Section 10159.7 is added to the Business and*
15 *Professions Code, to read:*

16 *10159.7. (a) The commissioner may, by regulation, require a*
17 *licensee to display his or her license number on consumer first*
18 *contact materials.*

19 *(b) For the purposes of this section, “consumer first contact*
20 *materials” include business cards, stationary stationery, advertising*
21 *fliers, and other materials designed to solicit the creation of a*
22 *professional relationship between the licensee and a consumer and*
23 *do not include an advertisement either in print or electronic media,*
24 *nor does it include a “for sale” sign.*

25 *(c) Nothing in this section shall be construed to limit or change*
26 *the requirement described in Section 10236.4 as applicable to real*
27 *estate brokers.*